

Applicant : Stefan Gabriel et al.
Serial No. : 10/046,290
Filed : January 16, 2002
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Attorney's Docket No.: 00167-434001 / 02-31-0352

REMARKS

Claims 1-21 and 23-38 are pending in the application, with claims 1, 19, 20, 21, 26, and 31 being independent. Claims 1, 20, 21, 26, and 31 are hereby amended. Reconsideration and allowance are respectfully requested.

Applicant would like to thank Examiner Paul Roberts for the telephone conversations conducted on September 17 and 22, 2003 with Applicant's representative, Kevin Greene. During these conversations, the Examiner indicated that it was his position that claim 31 as previously presented was anticipated by U.S. 6,451,030 (Li et al.). The Examiner characterized the distal portion of element 14 of the Li reference as the claimed applicator, and the rest of element 14 as the claimed flexor. Thus, according to the Examiner, the spring movement of the flexor portion of element 14 moves the applicator portion of element 14 by applying a lateral force to the applicator portion of element 14.

Based on this characterization of the Li reference, applicant is amending independent claims 1, 20, and 26 to clarify that the flexor engages the applicator to deflect the applicator, and is amending independent claim 31 to clarify that the method includes engaging an applicator to deflect the applicator. Under the Examiner's characterization of element 14 of the Li reference as both the claimed flexor and applicator, the flexor portion of element 14 of the Li reference does not engage the applicator portion of element 14 to deflect the applicator portion, nor does the method of the Li reference include engaging the applicator portion of element 14 to deflect the applicator portion.


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Respectfully submitted,

Date: 9/22/03



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